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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/945,485 | 08/30/2001 | Michael D. Vrska JR. | WG0091 | 3494 |

7590 10/07/2002

Terence P. O'Brien
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EXAMINER

DUONG, THANH P

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3711

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,485

Applicant(s)

VRSKA, MICHAEL D.

Examiner

Tom P Duong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Page 17, lines 4-13 should read “ a wall portion having a front strike face, a rear surface, an upper layer, and a lower layer, wherein the upper layer and lower layer and rear portion each extending from the heel portion to the toe portion...” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 4, 5, 7-13, 18-19, and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Rohrer (6,302,807). With respect to claims 1, 4, 7, 8, 9, 11, 18, 21, 22, and 23, Rohrer discloses a putter head (Figures 1-6) comprising a heel portion; a toe portion; a wall of strike face having variable rearward depth; an insert substantially filling the recess. With respect to claims 5 and 19, Rohrer disclose an insert made of viscoelastic elastomer (Col. 3, lines 29-31). With respect to claim 10, Rohrer discloses that the insert can be cast, molded, bonded or laminated. (Col. 5, lines 39-41). With respect to claims 12, 13, 24, and 25, Rohrer discloses that

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the insert preferably has a hardness greater than cover (87 Shore A hardness scale), (See Col. 3, lines 50-51), and Rohrer also discloses that the viscoelastic elastomer could be made softer than cover (Col. 3, lines 56-59).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 14, 20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrer 807'. With respect to claims 6 and 20, it is known in the art that such elastomer can be transparent or translucent to allow labeling of manufacturer name and logo. With respect to claims 14 and 26, Rohrer discloses the rear boundary of the inserts may be straight or curvilinear and in addition, such variation in depths is an obvious matter of design choice in view of Rohrer.
4. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrer 807' in view of Fisher (6,270,422). With respect to claims 2 and 16, Rohrer does not disclose a sole portion wherein the upper surface has a sight line; however, Fisher shows a putter head having a sight line 34 to allow a golfer to align the putter head with the sweet spot. Thus, it would have been obvious in view of Rohrer to one having ordinary skill in the art to include a sight line 34 as taught by Fisher in Rohrer' putter head to align the putter head with the sweet spot of the putter face.

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5. Claims 3, 17, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art as applied in claims 1-2 and further in view of Rife (5,655,976) and Official Notice. The prior art does not disclose a sole portion has an elongate sole slot parallel to the striking face; however, Rife shows on Figure 3 a rectangular shaped member (32) extending from heel to toe portion to receive a bottom weight member 30 to lower the center of gravity of the putter head. It would have been obvious in view of Official Notice and to one skilled in the golf art that if weight member 30 of Rife was to remove from the rectangular member 32, then more weight could be shifted or allocated towards the heel and toe position. It is well known in the art to distribute the weight to toe and heel portion to control the center of gravity in order to provide good flight and direction of the golf ball when struck by a putter. When weight is shifted toward the toe and heel portion, the moment of inertia can be adjusted about the shaft axis so that the shaft will not twist when the putter is swung. Thus, it would have been obvious in view of Rife and Official Notice and to one having ordinary skill in the art to provide a sole slit as taught by Rife to the prior art to reduce the weight in putter and adjust the center of gravity. Claims 27-35 recite limitations similar to claims 1-26, above; thus, claims 27-35 are rejected for the same reasons as applied in claims 1-26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 308-7768 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4148.

Tom Duong
September 30, 2002


Paul T. Sewell
Supervisory Patent Examiner
Group 3700